

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KIETHAN VALENTINE,

Plaintiff,

v.

No. 11-123 GBW/SMV

NEW MEXICO CORRECTIONS
DEPARTMENT, C. MICHAELL
MARTIN, WILLIAM HENDRIX,
JOE R. WILLIAMS, TIM LeMASTER,
and JONI BROWN,

Defendants.

ORDER ON MOTIONS IN LIMINE

These matters come before the Court on certain of the parties' Motions in Limine.

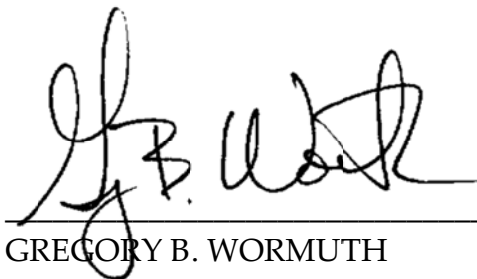
Docs. 186, 192, 195, 198. The Court held a pre-trial conference on November 27, 2012 (*see doc. 268*) where the parties further argued these motions. Having considered the motions, the briefs of the parties, the parties' oral argument, and the applicable law, and otherwise being fully advised, the Court finds as follows:¹

1. Plaintiff's Motion in Limine Document Number 186 is **DENIED** as to Lonny Bray and to the statistical evidence referenced therein. The Motion is **GRANTED** as Kiethan Valentine, Jr. The Court further orders that Defendants' designations of Mr. Bray's testimony shall be provided to Plaintiff on Monday, December 3, 2012.

¹ The rulings identified herein are designed to reflect the oral rulings announced at the hearing on these matters held on November 27, 2012. *See doc. 268.* Those oral rulings control in the case of a conflict. If the parties believe that the rulings described herein conflict with the oral rulings, the parties shall seek clarification at the final pre-trial conference.

2. Defendants' Motion in Limine Document Number 192 is **DENIED** as to evidence regarding the sanctioning of Dr. Roll.
3. Defendants' Motion in Limine Document Number 195 is **DENIED** in part and rendered **MOOT** in part. The evidence regarding any allegedly false statements made by Defendants to the Equal Opportunity Employment Commission is rendered moot. The remaining evidence set forth therein will be subject to limiting instructions as discussed at the pre-trial conference.
4. Defendants' Motion in Limine Document Number 198 is **DENIED** as to the testimony of Sergeant Jody Carroll wherein Carroll admitted to ordering the alteration of a control center log, but this evidence will be subject to limiting instructions as discussed at the pre-trial conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE
Presiding by consent